

**REGULAR MEETING OF THE  
BRIGHAM CITY COUNCIL  
DECEMBER 17, 2009**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Dennis Fife	Mayor Elect
	Tyler Vincent	Councilmember Elect
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Blake Fannesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Jason Roberts	Finance Director/Deputy City Recorder
	Paul Tittensor	Chief of Police
Dennis Vincent	Police Lieutenant	

Mayor Christensen called the meeting to order. The Reverence Period was given by Jason Roberts. The scouts in the audience led the Pledge of Allegiance.

Approval of Minutes: Councilmember Christensen noted that on page 4, line 12 of the November 5, 2009 Work session, "\$450,00" should be "\$450,000." A motion to approve the minutes of November 5, 2009 Work Session, November 19 Work Session, Council and Executive Session as amended was made by Councilmember Marabella, seconded and carried. Mayor Christensen presented the agenda as follows:

**PRESENTATIONS**

Presentation of Everyday Hero Award to Kaylee Ellertson  
Recognition of Councilmember Reese Jensen  
Vision 2012 Video

**PUBLIC COMMENT**

**CONSENT**

New Hires, Fire Division  
New Hires, Ambulance Division  
Request for Approval of 2010 Holiday Schedule  
Resolution to Remove \$2.00 Land Purchase Fee from Storm Drain Utility Fee  
Request for Approval of Fire Division Officers  
Request for Approval of 2010 Meeting Schedule  
Request for Approval of Contract with CRSA for Architectural Work as Part of the Seismic Upgrade to the Community Center  
Request for Approval to Accept Emergency Management/Homeland Security Grants and Authorize Increase in Revenue and Allow for Expenditures of Said Funds

**PUBLIC HEARINGS**

Proposed Annexation of Real Property Owned by Don Robinson Located on Highway 13, and Approval of Ordinance Annexing Said Property  
Consideration to Vacate Easements Associated with an Amendment to the BD Subdivision Plat Located at Approximately 37 South 600 West and Request for Approval of Ordinance

**NEW BUSINESS**

Request for Approval of Amendment to Chapter 6-3, Political Activity, of the Employee Policies and Procedures Manual  
Request for Approval of Resolution Accepting the Pre-Mitigation Plan as Part of the City's Comprehensive Emergency Management Program  
Proposal to Allow City Employees to Receive Discounts at City-Owned Facilities  
Request for Approval of Procter & Gamble Utility Service Agreements for Surplus Water and Waste Water Treatment

## **PLANNING COMMISSION BUSINESS**

- Request for Approval of Ordinance Amending the Zoning Map to Assign Zones for Properties Associated with an Annexation of Robinson Property Located on Highway 13 and 800 West
- Request for Approval of Ordinance Amending Chapter 29.12, Residential and Multiple Residential Districts, of the City Code
- Request for Approval of Ordinance Amending the Zoning Map Designation from General Commercial to Multiple Residential District for Property Located at 37 South 600 West

## **MAKING LIFE BETTER - DEPARTMENT REPORTS**

### **OTHER BUSINESS**

- Demolition of the Newman Building
- Discussion Regarding UTOPIA Opt Out Possibilities
- Compost Recycling Task Force

### **CLAIMS**

- Payment Register

Councilmember Reese Jensen made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

## **PRESENTATIONS**

### **Presentation of Everyday Hero Award to Kaylee Ellertson**

Mayor Christensen announced that the recipient of the Everyday Hero Award for this quarter was 11-year-old Kaylee Ellertson. Kaylee heard breaking glass coming from her elderly neighbor's home. The neighbor had fallen face first to the ground and suffered severe facial trauma and possible head, neck and spinal trauma. She was unable to move and was bleeding copiously from the face. Kaylee called 9-1-1. Responding officers and ambulance personnel rendered first aid and transported her to the hospital. She was treated and is expected to make a full recovery. Kaylee's actions probably saved the life of her neighbor.

### **Recognition of Councilmember Reese Jensen**

Fire Chief Art Petersen came forward and expressed appreciation to the Mayor and Council for all they have done for the Fire Division. In the last 14 years the Mayor and Council built a new building for the Fire Division, hired an Emergency Services Manager who brought them all together, hired firemen and provided money to train them, and most importantly, provided the equipment so they can serve the public, save property and save lives. Councilmember Reese Jensen was assigned to the Fire Division two years ago. He wanted to get involved. He came to the meetings to get certified with pyrotechnics, visited and learned what to do with the fireworks equipment. He went to the park on the 4th of July and helped set up the fireworks and passed the test to be allowed in the pit. Chief Petersen expressed appreciation to Councilmember Reese Jensen on behalf of the entire Fire Division for defending them when needed.

Chief Petersen presented Councilmember Reese Jensen with a picture of the Fire Division and a Brigham City Fire Division shirt.

Mayor Christensen stated that she has really appreciated Councilmember Reese Jensen's ability to come up with solutions. The Council would get stuck on an issue and Councilmember Reese Jensen would think about it overnight and come up with a solution. He has spent many, many hours on behalf of the citizens.

Councilmember Christensen said he had a lot of respect for Councilmember Reese Jensen. He has been an excellent councilmember.

Councilmember Ruth Jensen expressed appreciation for his support. She appreciated him allowing her to be herself and have a voice. He has been wonderful to observe, to take things from and to emulate.

Councilmember Marabella thanked Councilmember Reese Jensen for his hard work. He can't think of any councilmember that has worked any harder than he has. He helped evolve the entire budget process. He expressed appreciation to him for all his efforts.

Councilmember Ericson said Councilmember Reese Jensen has a talent to find what the problem is and go to the heart of the problem. He brought a lot of organization to the Council, which will be missed.

Mayor Christensen presented Councilmember Reese Jensen with an inscribed clock for his dedicated service from November 2004 to January 2010.

Councilmember Reese Jensen said he has been greatly enriched by serving on the City Council. He has probably benefitted more than what he has given. The experience he has gained is invaluable. He has learned that the two most important things in life are family and friends. What he will miss the most is the day-to-day contact with his friends. He said he felt that he has greatly added to his list of friends, and he values that more and more every day. He stated that this administration has accomplished a lot, probably more than any other administration in the recent past. This is due to the visionary leadership of Mayor Christensen. The Council has been criticized; however, he felt it was better to be criticized for doing too much too fast, than doing little or nothing at all. Anything worth achieving is worth a struggle. He said he has no regrets in the efforts the Council has made to keep some of the initiatives alive. Everything that has been accomplished has been accomplished as a team. He expressed appreciation to the Mayor, Council and staff for their friendship and support.

#### **Vision 2012 Video**

Mr. Leonard presented a video of the City's Vision 2012.

### **PUBLIC COMMENT**

Raymond Quick - Mr. Quick is the Publicity Chairman and Community Liaison for the Box Elder Fraternity Order of Eagles. He notified the Council that they intend to increase their community involvement. He will be the liaison between their Fraternity Order of Eagles and the City Council.

There were no further comments from the public.

### **CONSENT**

#### **New Hires, Fire Division**

It was recommended the City Council approve Coltin Dickamore, Jonathan Ficklin, Ryan Fromm, Zack Marshall, Chris Richards and Colby Thompson as paid-on-call Firefighters effective January 6, 2010.

#### **New Hires, Ambulance Division**

It was also recommended Justin Bott, David Edmondson, Jason Shipp and Sam Yates be hired as paid-on-call EMTs effective December 18, 2009.

#### **Request for Approval of 2010 Holiday Schedule**

It was recommended the 2010 holiday schedule be approved.

#### **Resolution to Remove \$2.00 Land Purchase Fee from Storm Drain Utility Fee**

This resolution will remove the \$2.00 fee imposed to purchase property for a new recycling facility.

#### **Request for Approval of Fire Division Officers**

It was recommended the following officers be approved for 2010:

Art Petersen, Chief	Brian Nawyn, Assistant Chief
1st Captain, Dustin Yeates	2nd Captain, Marty From
1st Lieutenant, Scott Checketts	2nd Lieutenant, Scott Young
Randy Parsons, Secretary	Ward Secrist, Treasurer

#### **Request for Approval of 2010 Meeting Schedule**

A list of all the City boards and commissions and the day and time they meet was presented for approval.

**Request for Approval of Contract with CRSA for Architectural Work as Part of the Seismic Upgrade to the Community Center**

It was requested that the Mayor be authorized to sign the contract with CRSA. The seismic upgrade is part of the mitigation grant the City received for the Community Center.

**Request for Approval to Accept Emergency Management/Homeland Security Grants and Authorize Increase in Revenue and Allow for Expenditures of Said Funds**

Approval was requested to accept three Emergency Management/Homeland Security grants totaling \$66,500.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Reese Jensen, seconded by Councilmember Ericson and unanimously carried.

**PUBLIC HEARINGS**

**Proposed Annexation of Real Property Owned by Don Robinson Located on Highway 13, and Approval of Ordinance Annexing Said Property**

Mr. Bradley stated that the annexation request includes a little over ten acres. It includes the existing units owned by Mr. Robinson on the north side of Highway 13. The City Recorder has not received any protests from citizens or affected entities.

A motion to open the public hearing was made by Councilmember Marabella, seconded by Councilmember Christensen and unanimously carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Marabella, seconded and carried.

MOTION: Councilmember Marabella made a motion to approve the annexation of real property owned by Don Robinson located on Highway 13 and the ordinance annexing said property. Councilmember Reese Jensen seconded the motion, unanimously carried.

**Consideration to Vacate Easements Associated with an Amendment to the BD Subdivision Plat Located at Approximately 37 South 600 West and Request for Approval of Ordinance**

Mr. Bradley stated that the applicant has requested that this item and the items involving this subdivision under Planning Commission Business be continued until January 7, 2010.

A motion to open the public hearing was made by Councilmember Ericson, seconded and carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Ericson, seconded and carried.

MOTION: Councilmember Ericson made a motion to continue the public hearing and the Planning Commission business item until January 7, 2010. Councilmember Christensen seconded the motion, unanimously carried.

**NEW BUSINESS**

**Request for Approval of Amendment to Chapter 6-3, Political Activity, of the Employee Policies and Procedures Manual**

Mr. Bosworth reported that this amendment would restrict City employees from holding an elected Brigham City public office.

MOTION: A motion to approve the amendment to Chapter 6-3, Political Activity, of the Employee Policies and Procedures Manual was made by Councilmember Marabella. The motion was seconded by Councilmember Ruth Jensen and unanimously carried.

**Request for Approval of Resolution Accepting the Pre-Mitigation Plan as Part of the City's Comprehensive Emergency Management Program**

Mr. Buchanan came forward and introduced Zach Covington from the Bear River Association of Governments Office. Mr. Covington is the Lead Planner in the rewrite of the BRAG Area 2004 Pre-Mitigation Plan. He stated that they have gone through the 2004 Plan and performed analysis to determine potential losses and risks and natural

hazards. The Plan is completed through the draft stage and there has been a 30-day public comment period. In order for Brigham City to be eligible for FEMA funds, the Plan must be adopted.

MOTION: Councilmember Reese Jensen made a motion to approve the resolution accepting the Pre-Mitigation Plan as part of the City's Comprehensive Emergency Management Program. Councilmember Marabella seconded the motion, unanimously carried.

**Proposal to Allow City Employees to Receive Discounts at City-Owned Facilities**

Tom Peterson, Jason Christensen and Kevin Rees from the Employee Coordination Committee (ECC) came forward. Mr. Peterson reported that they contacted 23 cities or counties that have City owned facilities, namely golf courses, and asked them if they offered employees any benefits to these facilities and, if so, what the benefit is and if it includes the family member, and if they saw a revenue decrease with this benefit. With the exception of Beaver City, all City or County owned golf courses provided benefits to their employees. Six of the cities are in Brigham City's compensation group: Cedar City, Hurricane, Park City, Payson, Springville and Tooele.

After surveying the cities and counties, the Committee proposed that City employees and their families be allowed to use the City owned swimming pool at no cost. They also proposed that employees be allowed to use the golf course at no cost, with the stipulation that it be with walk-ons only, no tee times will be allowed unless golfing with at least two paying golfers.

The benefit to the City would be the increased physical activity of employees and their families which will raise their quality of life. Healthier lifestyles decrease insurance claims. It would also help attract and retain competent, well-trained employees.

Councilmember Reese Jensen recommended this go through the Personnel Committee before it goes to the Council. Councilmember Marabella agreed, adding that the survey be expanded to include all City benefits, such as paid days off, contribution to health and dental coverage, etc.

MOTION: Councilmember Reese Jensen made a motion to refer the request to allow City employees to receive discounts at city-owned facilities to the Personnel Committee for review and recommendation. The motion was seconded by Councilmember Ruth Jensen and unanimously carried.

**Request for Approval of Procter & Gamble Utility Service Agreements for Surplus Water and Waste Water Treatment**

Mr. Leonard came forward and stated that they have been working on this for over nine months. These agreements are for surplus water sales and to treat the waste water coming back from the plant.

MOTION: Councilmember Christensen made a motion to approve the Procter & Gamble utility service agreements for surplus water and waste water treatment as presented. The motion was seconded by Councilmember Marabella and carried unanimously.

**PLANNING COMMISSION BUSINESS**

**Request for Approval of Ordinance Amending the Zoning Map to Assign Zones for Properties Associated with an Annexation of Robinson Property Located on Highway 13 and 800 West**

Mr. Bradley explained that the applicant requested that once this property was annexed into Brigham City that the property on the north side of Highway 13 be zoned Manufacturing Distribution (MD) and the area on the south, which is undeveloped property, be A-5 to be consistent with the existing zoning in the area. The Planning Commission recommended approval of these two zones.

MOTION: Councilmember Ericson made a motion to approve the ordinance amending the zoning map to assign zones for properties associated with an annexation of Robinson property located on Highway 13 and 800 West. Councilmember Ruth Jensen seconded the motion, unanimously carried.

**Request for Approval of Ordinance Amending Chapter 29.12, Residential and Multiple Residential Districts, of the City Code**

Mr. Bradley stated that this was discussed at the December 3 Work Session and this ordinance reflects the items discussed.

MOTION: Councilmember Ericson made a motion to approve the ordinance amending Chapter 29.12, Residential and Multiple Residential Districts, of the City Code. The motion was seconded by Councilmember Reese Jensen and unanimously carried.

**Request for Approval of Ordinance Amending the Zoning Map Designation from General Commercial to Multiple Residential District for Property Located at 37 South 600 West**

See motion under the public hearing for this subdivision.

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

Update on Rocky Mountain Power (RMP) and Ruby Pipeline Projects - Mr. Jared Johnson came forward and reported that RMP has finished the foundations and are starting to erect the poles. They are trying to work through the winter as they can. They still plan to start pulling the lines in the Spring.

Mr. Johnson stated that the Ruby Pipeline Project has been before the Planning Commission twice and has been continued again until January 19. They have had two public hearings with no comments from the public. Things are getting a little tense. They told the City that they are only "putting up with us" and that Brigham City does not have a say in anything they do. City staff has looked up information on their company and they have had fatal accidents and have been fined for negligence, the highest fine ever given out by FERC. When City staff starting asking them about these issues, they were told the City could not regulate their safety.

Well Projects - Mr. Fonnesebeck came forward and reported that the well project on the mountain was supposed to be completed by November 15; however, toward the end of October when they were down 630' they realized they were drilling off to the side and were going farther than the City would allow. They had to pull it back up to 100', fill it with gravel and redrill. They have been progressing about 1-2' feet per hour. They are going down 900' and are currently about 750' down. Any additional costs will be born by the contractors.

Staff is still dealing with water rights on the two other exploratory wells. They have a start card on the Bowden Canyon Well but are still working on property issues. On the Kotter Canyon Well there has been some protests from people that have water rights in the area. The protest period is over and they are preparing their response to the Division of Drinking Water. A public hearing will probably be scheduled.

**OTHER BUSINESS**

**Demolition of the Newman Building**

Mr. Fonnesebeck estimated that it will cost approximately \$30,000 to demolish the building. This includes the tipping fees, rental of equipment and fencing around it. They will have to build a curtain wall to protect the Academy Building.

Councilmember Ericson said both the Restoration Committee and the Academy Committee asked if it would be possible to keep the cornice and reuse it on a portion of the Academy Project. Mr. Fonnesebeck said they will have to look at what it's made of. If it's possible they will.

Councilmember Marabella didn't think now was the time to spend \$30,000 when budgets are tight. It is not a budgeted item. Mr. Fonnesebeck said now is the best time for his crews to do the project, rather than in the summer when they have a lot of projects planned. Mr. Leonard said the last easement with Rocky Mountain Power for their conductor that goes to Mantua was recently signed by the Mayor and the settlement price is \$37,500. This should be available next week and could be used for this project.

Councilmember Ruth Jensen suggested finishing current projects and revisit this later after Mr. Roberts gives the budget projections for January.

Councilmember Marabella suggested putting this on the January 21, 2010 Council meeting to allow staff to gather more information and the new Mayor and Councilmember to participate in the discussion. The Council agreed.

**Discussion Regarding UTOPIA Opt Out Possibilities**

Councilmember Ruth Jensen said she and Mayor-Elect Fife were talking about UTOPIA and he suggested allowing one person to opt out for each new person that signs up. Mr. Roberts talked to Blaine Carlton, Bond Counsel, and he was concerned with substituting one property for another because it could cause legal problems. She talked to Mr. Roberts and Mr. Leonard about other options. Mr. Leonard said they have been in contact with Mr. Carlton and Laura Lewis but have not come up with a solution. There is an equity issue, it would require amending a lot of documents, and it is an issue bond counsel has not dealt with before.

**Compost Recycling Task Force**

Mayor Christensen announced that she has formed a Compost Recycling Task Force with the following members: Reed Haddock will be the chair, Scott Mildenhall, Councilmember Marabella, Blake Fannesbeck, Tyler Pugsley and Raymond Poulson. They will report to the Council by the end of June 2010.

**CLAIMS**

**Payment Register**

Councilmember Christensen moved to approve Miscellaneous Claims dated November 30 in the amount of \$8,999.16 and General Claims dated December 8, 2009 for \$472,898.70, and claims dated December 15 for \$577,213.03. The motion was seconded and carried.

A motion to adjourn to an Executive Session to discuss the purchase, exchange or lease of real property was made by Councilmember Reese Jensen and seconded. A roll call vote was taken in which all councilmembers voted aye. The meeting closed to an Executive Session at 8:40 pm. The Council returned to an open meeting at 10:00 pm and adjourned.